

CRIS LIBAN  
PRESIDENT

SELIKA TALBOTT  
VICE PRESIDENT

JAZMIN ORTEGA  
DOUGLAS TOHOM  
VIGGEN DAVIDIAN  
ERIN PAK  
RAYMOND REGALADO

JASMIN SAN LUIS  
ACTING COMMISSION EXECUTIVE ASSISTANT



**KAREN BASS**  
MAYOR

100 S. MAIN STREET, 10<sup>th</sup> FLOOR  
LOS ANGELES, CA 90012

LAURA RUBIO-CORNEJO  
GENERAL MANAGER

**# 3**

**MINUTES**  
**FEBRUARY 8, 2024**  
**10:00 AM**

**CONVENED**

The Board of Transportation Commissioners convened a regular meeting on Thursday, February 8, 2024 at 10:03 AM in Los Angeles, CA.

**ADMINISTRATIVE ITEMS**

**ITEM NO. 1 – WELCOME**

President Liban called the meeting to order and welcomed all those present noting that those wishing to testify before the Board must fill out a speaker's form. He informed the audience that if anyone is a registered lobbyist, City ordinance requires that it should be indicated on the speaker's form.

**ITEM NO. 2 – ROLL CALL**

Present: Commissioners Cris Liban, Selika Talbott, Douglas Tohom, Vigen Davidian, Erin Pak, Raymond Regalado, and Jazmin Ortega; Jay Kim, Assistant General Manager (AGM); and Michael Nagle, Deputy City Attorney (DCA)

Commissioner Liban welcomed the newly appointed Commissioner Raymond Regalado.

Commissioner Regalado introduced himself and shared his background.

**ITEM NO. 3 - MINUTES**

Commissioner Davidian moved, seconded by Commissioner Tohom to approve the Minutes of January 11, 2024. Commissioners Ortega and Regalado abstained due to their absence at the meeting. Motion APPROVED.

Commissioner Tohom pointed out a correction on the letterhead, which shows Interim General Manager Connie Llanos and stated that CEA Jasmin has been informed and will make the correction for future letterheads.

#### **ITEM NO. 4 – COMMISSION BUSINESS**

Commissioner Liban acknowledged the African American History month and mentioned that there are a lot of activities happening in many different agencies.

#### **ITEM NO. 5 – COMMUNICATIONS**

No communication reported.

#### **ITEM NO. 6 – GENERAL MANAGER’S REPORT**

Jay Kim, Assistant General Manager, provided the following report:

- Planned Citywide hiring freeze that will impact City services

Questions and answers were provided.

- Commissioner Davidian asked what the approximate number of staff that will be included and number of positions that will not be filled.
- AGM Kim responded that he did not have the exact numbers but believed there are roughly 2,000 vacant positions and that details are still being determined.
- Commissioner Tohom asked what fiscal year it will be implemented in.
- AGM Kim believed it will start now as rules are being worked out, and briefly explained how it will generally unfold.
- Commissioner Talbot asked how many vacant positions within LADOT.
- AGM Kim stated that he did not have the exact number and that it use to hover around 300’ish vacant positions. He reported that the Department recently accomplished a concentrated effort to get some positions submitted for consideration before the freeze took place.
- Commissioner Ortega asked which division would be the most impacted.
- AGM Kim discussed the groups and positions that would be targeted as they relate to public safety.
- Commissioner Liban asked when final decisions will be made and impacts to services.
- AGM Kim stated that he could not confirm a date; explained the committee process; and can report back at some point on the impacts to LADOT.
- Commissioner Davidian commented on main events (Olympics) as the time gets closer.
- AGM Kim confirmed that some critical events such as the Olympics are considerations that the City would have to undertake, not just public safety, and that there will be a lot of discussions for several months.
- Commissioner Tohom asked if there will be a press release of this action.
- AGM Kim explained how it is more of an internal budgetary exercise as part of the budget cycle and budget information is public.
- Commissioner Tohom expressed his concerns that the residents might feel their services are not being provided and it would come back to the Commission.
- AGM Kim explained how it would be the job of each Council office as constituents reach out to their Council office.

## NEIGHBORHOOD COUNCIL COMMENT

There were no comments.

## PUBLIC FORUM

There were no comments.

## ACTION ITEM

### **ITEM NO. 7 – Appeal of Solartricity dba Zoom Medical Transportation Concerning the Department’s Finding of Guilty, Pursuant to Los Angeles Municipal Code §71.03(B) – Unpermitted Non-Ambulatory Driver and Los Angeles Municipal Code §71.04.1 – Unpermitted Non-Ambulatory Passenger Vehicle Attendant**

Patricia Barker, Sr. Transportation Investigator, presented the report.

Jesse Lucas, CEO, Solartricity dba Zoom Medical Transportation, was present and addressed the Board. He passed out copies of GPS coordinates and other informational documents to share with the Commissioners.

Questions and answers were provided.

- Commissioner Liban asked to clarify if it is a violation to pass through the City coming from a non-City location on a round trip.
- Ms. Barker confirmed that passing through the City is not a violation and that the violation is picking up from the City of Los Angeles with unpermitted personnel.
- Commissioner Liban asked to clarify what is a “wait and return”.
- Ms. Barker explained the meaning of “wait and return” (an in-house policy) and described the policy in detail.
- Commissioner Ortega asked if the information the Board just received from Mr. Lucas was relevant to what was discussed.
- Mr. Barker stated that she did not know if what he presented to the Board was presented at the hearing as she had not seen it.
- Commissioner Ortega asked Mr. Lucas if he presented it at the hearing.
- Mr. Lucas confirmed that he presented a different record and described the record he presented.
- Commissioner Tohom wanted clarification on page 4, paragraph 4, of the report, which stated that Mr. Suarez only issued a warning for the two violations but did not assess a fine, and the statement on paragraph 5, which stated that the company still had not paid the additional fees and asked if those were two different issues.
- Ms. Barker confirmed that they were two different issues and elaborated on what had happened at the hearing.
- Commissioner Davidian stated that the location of the facility at 25825 S. Vermont, described the different activity times of the vehicle, and asked Mr. Lucas to verify if the entire process took 40 minutes or so.
- Mr. Lucas explained the activities that took place at which time they were cited by Investigator Mercier.

- Commissioner Liban asked if a warning is a finding at the same time of a violation.
- Ms. Barker confirmed Commissioner Liban's statement was correct.
- Commissioner Pak asked Mr. Lucas what his specific objective was in having the Commission process the activity information with the time stamp he submitted.
- Mr. Lucas stated that his objective was to show that it was not an LA City pickup.
- Commissioner Pak summarized her comprehension of Mr. Lucas' presentation.
- Mr. Lucas confirmed that Commissioner Pak's summarization was correct.
- Commissioner Pak mentioned that Mr. Lucas stated that he have some videos that showed the patient's activity.
- Mr. Lucas corrected his statement that it was not of the patient's activity and talked about how he could potentially request to produce a dash cam footage.
- Commissioner Ortega summarized her understanding of Mr. Lucas claiming the carve out and asked to explain why his company deserves a carve out if it really is permitted to operate in the City versus a company that is from out of town and is not.
- Mr. Lucas explained why he felt it was capricious and unfair to deny them of a particular carve out especially when there is nothing explicitly written in the regulation.
- Commissioner Pak stated how it is imperative that Mr. Lucas has any type of evidence to support the trip was continuous and that the Commission would like to review that information, and added that she is familiar with the electronic health record that Kaiser uses that shows a time stamp when a patient checks in and checks out.
- Commissioner Pak asked Mr. Lucas if he could get a copy of that and how it would help his cause.
- Commissioner Liban wanted clarification that Mr. Lucas was asked to provide evidence in the hearing but did not.
- Ms. Barker talked about an email from Investigator Mercier to Mr. Lucas requesting proof it was a round trip and the vehicle never moved, and that she would void the citation but she did not get a response from the company. She added that Mr. Lucas had a different information at the hearing and the hearing investigator did not accept them due to conflicting information.
- Commissioner Talbott expressed her concerns about employee behavior that Ms. Barker addressed.
- Ms. Barker stated that if the Board accept the Department's recommendation, Mr. Lucas will be revoked from operating in the City all together for a specific period of time (two years) and explained the reason for the probationary period.
- Commissioner Liban asked what the impact would be on the patients across the City.
- Ms. Barker responded that the company has three non-ambulatory gurney vehicles currently, and that it is not a huge company.

Commissioner Liban moved, seconded by Commissioner Talbott to accept staff's recommendation on Zoom to revoke its permit because of the violation that transpired observed by the investigator. Unanimously APPROVED.

**ITEM NO. 8 – Recommend Penalty of \$396,000 Against Cuore, Inc. dba Heart Transportation, Placement of Heart Transportation on Suspension for a Minimum of Two Years, As Well As a Two-Year Exclusion of Heart Ambulance Due to Multiple Violations of the Los Angeles Municipal Code Committed by Both Companies.**

Patricia Barker, Sr. Transportation Investigator, presented the report.

Question and answer were provided.

- Commissioner Liban asked to clarify if the company name is Heart Ambulance or Heart Transportation referred to in the attached spreadsheet.
- Ms. Barker provided an explanation on the name change.

Kim Zeldin, Attorney with Carlton Fields, representative of Cuore, Inc. dba Heart Transportation was present and addressed the Board. She passed out her exhibits to the Commissioners and discussed each exhibit, which were not part of the Board report.

Jacob Silva, CEO of Cuore, Inc. and Heart Ambulance Corporation, was present and addressed the Board.

Question and answer were provided.

- Commissioner Liban asked some clarifying questions: names on the letterhead shown in the exhibits; pickup/deliver patients within the City of LA without any permit regardless of the name of the company; and Mr. Silva's statement acknowledging the mistake and that the report was accurate.
- Ms. Zeldin stated that they are not acknowledging the report was accurate and clarified what they received and discussed how these are two separate legal entities.
- Ms. Barker explained what Heart Ambulance is not authorized to operate and what Heart Transportation is authorized to operate with a pending request to add ambulance, which has not yet been approved.
- Commissioner Liban followed up and asked if the current discussion was about the ambulances Mr. Silva was referring to.
- Ms. Barker believed that the ambulances Mr. Silva was referring to belonged to Heart Ambulance but could not confirm because she did not have information on any of the ambulance vehicles to prove which company they belong to.
- Commissioner Ortega asked about the establishment of a business license.
- Ms. Barker explained when a business license is required and for tax purposes.
- Commissioner Ortega followed up and asked if County record was acceptable.
- DCA Nagle could not confirm because he has not seen any of the exhibits presented by Ms. Zeldin prior to the meeting.
- Commissioner Talbott asked if Ms. Zeldin's position was that the entity that should be facing the violation has not been served.
- Ms. Zeldin stated that not only has it not been served, it can not, and made a reference to General Order 580.

- To level set, Commissioner Talbott raised issues regarding legal entities that should or should not have been served, and questioned Ms. Zeldin's assessment that she has not had the opportunity to review the sheets provided notifying of all the trips.
- Ms. Zeldin confirmed they received them on Tuesday but have not had the opportunity to vet the entirety of the exhibit, and acknowledged that they do agree there were mistakes made and have subsequently figured out and made efforts to rectify.
- Based on assessments/allegations made that monies were paid back to Kaiser, Commissioner Talbott asked if they have letters or statements from Kaiser and if it was part of the record.
- Ms. Zeldin confirmed it was not part of the record.
- Commissioner Talbott shared her assessment of who should have been violated and charged and why the Board was not in a position to proceed at this time, but deferred to DCA Nagle for his expert opinion.
- DCA Nagle concurred with Commissioner Talbott's assessment that we need to know all the facts (which company did what and when each company was established) to determine if another hearing is needed for the company responsible for the mistakes and come back to the Board with a recommendation.
- Mr. Silva addressed and clarified the statement made by Ms. Barker about the \$M funds that were paid; and added it was not all city transport, total fine with Kaiser was about \$100K, and there was a settlement.
- Commissioner Liban asked when Cuore was asked to provide all the information for this Board report.
- Ms. Zeldin responded it was August 24, 2023.
- Commissioner Liban followed up as to why the argument about the different things just came up now.
- Ms. Barker talked about the complaint she received that caused her to investigate; the process of her investigation, which included communications with Mr. Silva; and explained why Mr. Silva did not get a copy of the report.
- Commissioner Liban reiterated the timelines and activities that transpired and stated that this Board report needs to be sorted and cleaned out to make an appropriate recommendation.
- Ms. Barker explained why she prepared the report as she did and stated that she will standby whatever the Commission decides.
- To clear the record, Commissioner Talbott discussed not making any establishment at this point whether or not the violations are appropriate; how each entity is entitled to due process; and deferred to the DCA so that the Commission can confirm what the appropriate entities are and then hear it for the entity.
- Ms. Barker shared when she found out that Mr. Silva hired a legal representation (February 5<sup>th</sup>) and how she attempted to send everything the legal representative wanted.
- Commissioner Ortega re-stated what information is needed in order for staff to have the appropriate time to review them.

- Ms. Zeldin expressed her agreement and explained why she asked for an extension with Ms. Barker; and clarified how the company is not owned by one entity, but by two separate legal corporations with the same CEO, and that all of this formation is with staff. She raised and discussed some of the issues/disputes they have on the report.
- In an effort to address Ms. Zeldin's concerns about her findings, Ms. Barker described how she formulated her findings.
- Mr. Silva shared the timeline of everything.
- Commissioner Liban reiterated the context of the report – having vehicles with personnel performing that they should not be performing and no clarity on who should be assessed the penalty because of how the companies are setup.
- Ms. Barker clarified that she never had access to the ambulance application that Mr. Silva had submitted.
- Commissioner Liban asked to clarify the \$396K against Cuore dba Heart Transportation and two companies that is being dealt with.
- Ms. Barker stated that the \$396K was against Heart Ambulance and at that point, she was not sure which company it is.
- DCA Nagle agreed to what needs to be determined and advised that in terms of the code sections, staff needs to go back and look into whether the company was operating as a gurney business or whether it was an ambulance and that the fines are accurate.
- Commissioner Liban stated that there are some fact findings that need to happen and shared that this require a continuance to another meeting until everything is sorted out. He deferred to the Commission for a motion.
- Commissioner Davidian shared his understanding and of the two-step process that could happen simultaneously and asked if they were two separate things.
- DCA Nagle stated that they could possibly happen at the same time and it would go to Ms. Barker not the City Attorney's office.
- Commissioner Talbott shared her concerns and how this should be tabled for further clarification; create a due process violation since there is an issue with the entities; and assess to probably withdraw and refile.
- Commissioner Liban asked DCA Nagle what the Commission's options were.
- DCA Nagle concurred with Commissioner Talbott's suggestion and recommended to withdraw the report, re-file, and give the legal counsel enough time.
- Commissioner Liban asked if the Commission should make a motion or does Ms. Barker withdraw the report.
- DCA Nagle responded that Ms. Barker would need to withdraw the report and that there is no action for the Commission to take.
- Commissioner Tohom asked to clarify the process when speaking about when the report is available.
- Ms. Barker explained how the Department operates with regards to sharing a report.
- AGM Kim added that staff will make sure once the report is finalized that it does not get agendized and scheduled for a few months out to give the counsel an opportunity to review and rebuttal the information.

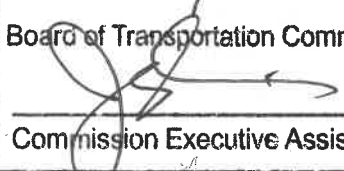
- Commissioner Regalado shared the issues clear to him and added the overall need to have a timeline that could help move things along going forward so there are no misinterpretations.
- Commissioner Talbott expressed her concerns with regards to adding specific timelines in terms of response.
- Commissioner Pak shared her thoughts about the difference in the investigation process for Ms. Barker's office; the appropriateness of the list of duties that Ms. Barker has to perform; recourse to collaborate and end this investigation process as soon as possible expeditiously, so that the company can move on and do its business and file for additional permit applications, but do not agree that the counsel be given two months to review as previously mentioned.

Ms. Barker stated that she is requesting the withdrawal of this report and retrospect to the resubmission of a new report.

**ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7**

With no further business to come before the Board, Commissioner Ortega moved, seconded by Commissioner Pak to adjourn the meeting. Unanimously APPROVED.

The meeting adjourned at 12:03 PM.

Approved: 3/14/2024  
Board of Transportation Commissioners  
  
Commission Executive Assistant